

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

GOYA DE PUERTO RICO, INC.,

Plaintiff,

v.

CIVIL NO. 01-1119(DRD)

ROWLAND COFFEE ROASTERS, INC.,

Defendants

ORDER

Defendant's Motion to Reconsider (Docket No. 194) is **DENIED**. There are at least three potential reasons. The Summary is over four years old and, thus, the commercial value is *prima facie* stale. Second and third, the parties have signed a confidential clause; the defendant seeks a defense wherein the Executive Summary in question may contain facts and/or admissions and/or helpful to plaintiff that may lead to facts and/or admissions related to the defense (sword and shield theory); the Executive Summary may contain information or may lead to information relating to the "just cause" relating to termination of Goya based on related issues as to the termination of Bustelo. Hence, the Executive Summary has potential information as to two critical legal issues pending in this case. The Executive Summary document must be produced. The defendants are to arrange a conference with the judge within the next **FIVE DAYS** should they insist that there are matters in the Summary that, notwithstanding this order, should remain private. If no conference is sought, the Summary is to be produced within **FIVE DAYS**.

IT IS SO ORDERED.

On this 12th day of August of 2005.

s/ Daniel R. Dominguez
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE